

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 05-10-SLR
	:	
JOSEF MURPHY,	:	
	:	
Defendant.	:	

**MOTION TO UNSEAL
THE PRELIMINARY ORDER OF FORFEITURE**

The United States of America, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, hereby moves to unseal the Preliminary Order of Forfeiture for the reasons set forth below. A proposed order is submitted with this motion.

1. On August 23, 2005, the government filed its Motion for a Preliminary Order of Forfeiture. (D.I. 24, 25). The government filed the Motion under seal because the Motion concerns the forfeiture of financial accounts and a residence. Section I of the Administrative Procedures Governing Filing and Service by Electronic Means (the "Administrative Procedures") promulgated by this Court requires filing parties to redact financial account numbers and residential addresses.
2. On August 30, 2005, the Court signed the Preliminary Order of Forfeiture, which was placed in the case docket under seal.
3. The purpose of a criminal forfeiture proceeding is to divest a defendant of criminally derived property (or its substitute) as part of the defendant's sentence. The property must be identified with precision (that is, by more than just the city and state or partial account number)

to ensure that potential claimants receive adequate notice of exactly what property is subject to forfeiture. Indeed, forfeitures are a uniquely public form of litigation, since the government serves process not only on known potential claimants, but the whole world through the publication process.

The government intends to serve the Preliminary Order of Forfeiture on the financial institutions identified in the Preliminary Order of Forfeiture. The government respectfully requests that the Court unseal the Preliminary Order of Forfeiture to facilitate that process.

Respectfully Submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Douglas E. McCann
Douglas E. McCann
Assistant United States Attorneys
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, Delaware 19899-2046
(302) 573-6277
douglas.mccann@usdoj.gov

DATED: October 25, 2005

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JOSEF MURPHY,	:	
	:	
Defendant.	:	

ORDER

THIS ____ day of _____, 2005, IT IS HEREBY ORDERED that the Motion to
Unseal the Preliminary Order of Forfeiture GRANTED.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Douglas E. McCann, hereby certify that this 25th day of October, 2005, I caused the foregoing Motion to Unseal the Preliminary Order of Forfeiture and proposed form of order to be served by CM/ECF on:

Edmund D. Lyons, Jr.
The Lyons Law Firm
1526 Gilpin Avenue
P.O. Box 579
Wilmington, DE 19899
(302) 777-5698
Fax: (302) 777-5051
Email: elyons@lyonslaw.com

Counsel for Defendant

/s/ Douglas E. McCann
Douglas E. McCann